

CALIFORNIA STATE PERSONNEL BOARD MEETING
San Francisco Civic Center
455 Golden Gate
San Francisco, California

www.spb.ca.gov

Public Session Location - Room B201

Closed Session Location - Room B205

TWO-DAY BOARD MEETING - DECEMBER 7-8, 2000

FULL BOARD MEETING MINUTES

DECEMBER 7, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member

2. ORAL ARGUMENT

Oral argument in the matter of TERRANCE WILSON, CASE NO. 00-0836. Appeal from dismissal. Department of Corrections.

Persons Participating:

Ina Arnold, Senior Hearing Representative, California Correctional Peace Officers Association representing appellant.
Vikki Thompson, Staff Counsel, representing Department of Corrections.

ACTION: Submitted

3. ORAL ARGUMENT

Oral argument in the matter of JOHN MEDEIROS, CASE NO. 99-4812. Appeal from dismissal. Department of Corrections.

Persons Participating:

Ina Arnold, Senior Hearing Representative, California Correctional Peace Officers Association representing appellant.

James D. Madison, Staff Counsel, representing Department of Corrections

ACTION: Submitted

4. BILINGUAL SERVICES IN STATE GOVERNMENT

Will address bilingual services provided by State government. The Dymally-Alatorre Bilingual Services Act, Government Code Section 7290-7299.8 provides for effective communication between the State's residents and the State of California. The Act is intended to ensure that the limited or non-English speaking residents of California are not prevented from using public services because of language barriers.

Persons Participating:

Juana D. Lopez-Rodriguez, Manager, Statewide Bilingual Services Program, California State Personnel Board
Dr. Belinda Reyes, Demographer, Public Policy Institute of California

Ana Matasantos, Senate Health and Human Services
Gayle Tang, Interpreter Services, Kaiser Permanente San Francisco

Ted Wong, Chinese for Affirmative Action

Rini Chakraborty, CA Welfare Immigrant Welfare
Collaborative Steve Bingham, Bay Area Legal Aid

Rand Quinn, Executive Director, Services, Immigrant Rights and Education Network (SIREN)

Yin Yan, Newcomers Health Program International Institute of San Francisco

Asian Law Caucus: Khin Mai Aung and Hina B. Shah, Staff Attorneys

Donya Fernandez, Project Attorney, Legal Aid Society of San Francisco, Employment Law Center

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Beckie Masaki, Executive Director, Asian Women's Shelter
Ellen J. Tabachnick, Attorney, Bay Area Legal Aid
Amy Cheung, Staff Attorney, Bay Area Legal Aid, Alameda
County Regional Office

Edwin D. Jocson, Executive Director, West Bay Pilipino
Multi-Service Center
Luz Buitrago, Director, Center on Poverty Law and
Economic Opportunity
Community Educational Services Youth Coalition with five
youth addressing the Board.

ACTION: Hearing Held

A D J O U R N M E N T

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455 Golden Gate
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CONCURRENT BOARD MEETING MINUTES

DECEMBER 8, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Glenn K. Goddard, a manager in the State Personnel Board's Appeals Division and former Board Legislative Coordinator died recently. He will be missed by this organization.
- B. The Department of Finance has raised concerns about staffing for a Los Angeles office. State Personnel Board staff will continue to pursue the matter with the Administration.
- C. State Personnel Board staff participated in the recent Department of Personnel Administration Labor Relations Conference in Monterey.

- D. State Personnel Board staff will meet with the Strategic Planning consultant and begin finalization of the plan.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

In the News

- A. Hi-Voltage v. City of San Jose - California Supreme Court issued its decision invalidating the San Jose program that required prospective contractors to demonstrate outreach to women and minorities as violating Proposition 209. State Personnel Board members have been provided with a copy of the court's decision.

Litigation

- A. Connerly v. State Personnel Board, et al. - Connerly petitioned Court of Appeal for order allowing supplemental briefing in this case as to impact of the Hi-Voltage decision.
- B. International Union of Operating Engineers (IUOE) v. Kathleen Connell - IUOE has indicated an intent to amend its complaint.

Other

- A. Department of Personnel Administration's Labor Relations Conference - Chief Counsel Elise S. Rose and Larry Hoover, Mediation Associates, conducted a workshop on the State Employee Mediation Program. The workshop was well received.
- B. State Employee Mediation Program - Training for January 8-12, 2001 for volunteer mediators received overwhelming response and is now full.
- C. Matilda Bannerman-Richter has joined State Personnel Board staff as Program Manager for the Board's State Employee Mediation Program.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Judy Balmain and Walter Vaughn have been meeting with Union organizations to discuss the State Personnel Board's legislative proposals, seeking their input and possible support for the proposals.
- B. The Legislative Office has completed its year 2000 Legislative Summary for distribution to the State Personnel Board and other interested parties.

5. ELECTION OF OFFICERS

ACTION: Ron Alvarado, Vice President, was elected President and William Elkins, Member, was elected Vice President.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

6. ORAL ARGUMENT

Oral argument in the matter of LISANDRO DE HOYOS, CASE NO. 99-1478. Appeal from discrimination and retaliation. Department of Corrections.

Persons Participating:

Linda M. Nelson, Labor Relations Counsel, representing the Department of Personnel Administration.
Lisandro DeHoyos, Parole Agent, representing himself.

ACTION: Submitted

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF NOVEMBER 14, 2000

ACTION: Adopted on December 8, 2000.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: (See page 15)

9. ADMINISTRATIVE LAW JUDGE CASES

On December 8, 2000, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

CHIEF COUNSEL RESOLUTIONS

RAY L. HARVEY, CASE NO. 00-1929

Appeal from dismissal

Department of Transportation

ACTION: Stipulation for settlement approved

PROPOSED DECISIONS

CURRY THOMAS, CASE NO. 00-2233

Appeal from 90 Calendar Days Suspension

Department of Water Resources

ACTION: Submitted

ROSELLEN M. BOOG, CASE NO. 00-0349

Appeal from Rejection during Probation

California State University, Northridge

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

ANTOINETTE E. SIMMONS, CASE NO. 00-1943

Appeal from Dismissal

Board of Equalization

ACTION: Dismissal sustained

JASON THOMAS, CASE NO. 99-3479

Appeal from Dismissal

Department of Corrections

ACTION: Dismissal revoked

RAUL JOSEPH DeJESUS, CASE NO. 99-2495B

Appeal from Back Pay

Department of Social Services
ACTION: Back pay denied

ERNESTINE CASTRO, CASE NO. 99-4643
Appeal from Dismissal
Employment Development Department
ACTION: Dismissal sustained

CHARLES ALEXANDER, CASE NO. 98-2768
RICHARD NEWTON, CASE NO. 98-2769 Appeal from
Whistleblower/Retaliation Complaint
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

DAVID STEEN, CASE NO. 00-1341
Appeal from Dismissal
Department of Developmental Services
ACTION: Dismissal revoked

ARTISHA SUMLER, CASE NO. 00-1723
Appeal from Dismissal
Department of Corrections
ACTION: Dismissal sustained

DONALD R. REVELS, CASE NO. 00-0522
Appeal from 20 Working Days Suspension
Department of the Youth Authority
ACTION: 20 working days suspension sustained

NANCY WITHERELL, CASE NO. 00-2059
Appeal from Dismissal
Department of Human Services
ACTION: Dismissal sustained

RALPH H. BURROUGHS, CASE NO. 00-0728
Appeal from Five Percent Reduction in Salary for 12
Months
Department of General Services
ACTION: Reduction in salary revoked

JUAN CARDENAS, CASE NO. 00-2421

Appeal from Dismissal

Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

LOLITA CARTHAN, CASE NO. 00-2533

Appeal from 60 Calendar Days Suspension

Department of Corrections

ACTION: 60-calendar day's suspension sustained

JOSE SALAS, CASE NO. 00-2358

Appeal from Demotion

Department of Corrections

ACTION: Demotion sustained

SVETOZAR STUKOVSKY, CASE NO. 99-3583

Appeal from Dismissal

Department of Corrections

ACTION: Dismissal modified to one-year suspension

STACY ROBERTSON, CASE NO. 00-2229

Appeal from dismissal

Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

ROBERT G. KENNARD, CASE NO. 00-2086

Appeal from 30 working days suspension

Department of Health Services

ACTION: 30 working days suspension sustained

CARLOS CERVANTES, CASE NO. 00-0399

Appeal from 10 percent reduction in salary for 12 months

Department of General Services

ACTION: 10 percent reduction in salary for 12 months sustained

HAROLD V. BRUCE, CASE NO. 00-1365

Appeal from rejection during probationary period

Department of Transportation

ACTION: Rejection affirmed and appeal denied

RICHARD C. TOBY, CASE NO. 00-1572

Appeal from dismissal

Department of Developmental Services

ACTION: Dismissal sustained

RICHARD F. MOULTON, CASE NO. 99-4705

Appeal from dismissal

December 8, 2000

Department of Corrections

ACTION: Dismissal sustained

JOHN FLORES, CASE NO. 99-3499

Appeal from dismissal

Department of Mental Health

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

STACY ROBERTSON, CASE NO. 00-2229

Appeal from Dismissal

Department of Corrections

ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

MITCHELL BLAIR, CASE NO. 99-0242

Appeal from Dismissal

LETICIA PACHECO, CASE NO. 99-0439

Appeal from Ten Percent Reduction in Salary for 12 Pay
Periods

ACTION: Dismissal revoked (BLAIR)

ACTION: 10 percent reduction in salary for 12 pay
periods modified to 5 percent reduction in salary for 3
pay periods
(PACHECO)

ROBERT G. KENNARD, CASE NO. 00-2086

Appeal from 30 Working Days Suspension

Department of Health Services

ACTION: 30 working days suspension sustained

CARLOS CERVANTES, CASE NO. 00-0399

Appeal from Ten Percent Reduction in Salary for 12 Months

Department of General Services

ACTION: 10 percent reduction in salary for 12 months
sustained

HAROLD V. BRUCE, CASE NO. 00-1365

Appeal from Rejection During Probationary Period

Department of Transportation

ACTION: Rejection affirmed and appeal denied

RICHARD C. TOBY, CASE NO. 00-1572

Appeal from Dismissal

Department of Developmental Services

ACTION: Dismissal sustained

RICHARD F. MOULTON, CASE NO. 99-4705

Appeal from Dismissal
Department of Corrections
ACTION: Dismissal sustained

DANIEL R. BROWN, CASE NO. 00-1317
Appeal from Rejection during Probationary Period
Department of Corrections
ACTION: Rejection affirmed and appeal denied

MICHAEL BURVANT, CASE NO. 00-0854
Appeal from Dismissal
Department of Corrections
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

JOHN VICARIO, CASE NO. 00-0245
Appeal from Dismissal
Department of Corrections
ACTION: Dismissal sustained.

PETITIONS FOR REHEARING

JAMES A. McARTHUR, CASE NO. 00-1590P
Appeal from Dismissal
Department of Social Services
ACTION: Petition for rehearing filed by appellant denied

FERNANDO V. GANDARA, JR., CASE NO. 99-3867P
Appeal of Discrimination/Retaliation
Department of Veterans Affairs
ACTION: Petition for rehearing filed by appellant
granted

KEVIN McDOWELL, CASE NO. 00-1466P
Appeal from 1-Step Reduction in Salary for Six Months
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

JOSEPH F. KENNEY, CASE NO. 00-0042P
Appeal from Dismissal
Department of Justice
ACTION: Petition for rehearing filed by appellant
granted

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: (See pages 16-18)

December 8, 2000

11. MISCELLANEOUS APPEALS DIVISION CASES

Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)

On December 8, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. JESSIE RUIZ, CASE NO. 00-1264
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- B. RICHARD A. ABIRACHED, CASE NO. 00-1135
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- C. XAVIER GONZALEZ, CASE NO. 99-4081
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- D. MARTY R. BLANCETT, CASE NO. 00-1429
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- E. JAMES JOHNSON, CASE NO. 00-1434
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- F. ROBERT KOENIG, CASE NO. 00-2409
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: GRANTED
- G. STUART G. CHIAVASSA, CASE NO. 00-0799
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- H. JASON A. DEHOFF, CASE NO. 00-1140

Classification: Caltrans Highway Maintenance Lead-worker
Department of Transportation
ACTION: DENIED

- I. MICHAEL DUTRA, CASE NO. 00-1079
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- J. WILLIAM GORDON, CASE NO. 00-2125
Classification: Assoc. Govt. Program Analyst
State Personnel Board
ACTION: DENIED
- K. DENNIS E. HUGO, CASE NO. 00-1506
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- L. JEFF O. KIPP, CASE NO. 00-2051
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- M. ROBIN KOHSE, CASE NO. 00-1398
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- N. BRIAN PUGMIRE, CASE NO. 00-0839
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- O. RYAN REBAR, CASE NO. 00-1288
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- P. MARIO REYES, CASE NO. 00-1717
Classification: Hospital Peace Officer
State Personnel Board
ACTION: DENIED
- Q. MICHAEL RIPLEY, CASE NO. 00-2405
Classification: Correctional Officer

Department of Corrections
ACTION: DENIED

- R. ROBERT SAENZ, CASE NO. 00-1333
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- S. PATRICK S. FILER, CASE NO. 00-1918
Classification: Correctional Officer
Department of Corrections
ACTION: RESCINDED
- T. DAVID O. HOWARD, CASE NO. 00-2354
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

12. MEDICAL APPEALS

On December 8, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. KENNETH MINAMI, CASE NO. 00-1693
Classification: Psychiatric Technician
Department of Mental Health
ACTION: DENIED
- B. STEVEN S. RATHER, CASE NO. 00-2185
Classification: Correctional Officer, Department of Corrections
ACTION: GRANTED
- C. DAVID M. TAYLOR, CASE NO. 00-0421
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- D. AARON WRIGHT, CASE NO. 00-1426
Classification: Fish & Game Warden
Department of Fish and Game
ACTION: DENIED
- E. MARC ESKES, CASE NO. 00-3601
Classification: Lifeguard

State Personnel Board
ACTION: GRANTED

F. JOHNNY HOBSON, CASE NO. 00-3054
Classification: Cadet, CHP
State Personnel Board
ACTION: GRANTED

G. ROBERT ROMANS, CASE NO. 00-3204
Classification: Cadet, CHP
State Personnel Board
ACTION: GRANTED

13. EXAMINATION APPEALS

On December 8, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

A. MICHELE CHUNG, CASE NO. 00-2851
Classification: Associate Fiscal Systems Analyst
Department of Transportation
ACTION: DENIED

B. TERRI L. HARRISON, CASE NO. 00-2027
Classification: Transportation Engineering
Technician
Department of Transportation
ACTION: DENIED

C. JOHN M. O'QUINN, CASE NO. 00-2149
Classification: Caltrans Landscape Maintenance
Worker
Department of Transportation
ACTION: DENIED

D. ILLANE S. BACA, CASE NO. 00-2118
Classification: Consumer Services Supervisor
Department of Corporations
ACTION: GRANTED

E. VICKIE E. MATRANGA, CASE NO. 00-1049
Classification: Material & Stores Supervisor II, CF
Department of Corrections
ACTION: GRANTED

14. MERIT ISSUE COMPLAINT APPEALS

On December 8, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. ROBERT C. JACKSON, JR., CASE NO. 99-4922
Classification: Special Agent
Department of Justice
ACTION: DENIED

15. NON-HEARING CALENDAR

On December 8, 2000, the Board adopted item "A". This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

- A. MARINE TERMINAL SAFETY SERIES
MARINE SAFETY
MARINE SAFETY SPECIALIST II
The California State Lands Commission proposes revisions to the Marine Terminal Safety series specification; retitling of the class series to Marine Safety; and establishment of a new classification of Marine Safety Specialist II with a 12-month probationary period.

16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following actions:

- A. REHABILITATION THERAPIST, STATE FACILITIES
(SAFETY)(VARIOUS SPECIALTIES)
The Department of Personnel Administration is proposing minor revisions to the specification for the Rehabilitation Therapist, State Facilities (Safety)(Various Specialties) classification series.
- B. BUDGET ANALYST SERIES
The Department of Finance is proposing minor specification revisions to the Finance Budget Analyst series.
- C. SPECIAL AGENT
The Department of Justice is proposing a minor revision to the Alternate range Criteria for the Special Agent classification.

D. CALTRANS MAINTENANCE SERIES

The Department of Transportation is requesting a minor amendment to the resolution adopted by the State Personnel Board on October 4, 2000, for the Caltrans Maintenance series.

ACTION: Noted

17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

NONE PRESENTED

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) ASSISTANT SECRETARY FOR CHILDREN'S ENVIRONMENTAL HEALTH

ASSISTANT SECRETARY FOR ENVIRONMENTAL HEALTH

ASSISTANT SECRETARY FOR BORDER AFFAIRS

The California Environmental Protection Agency's requests to allocate the above positions to the CEA category have been approved effective October 26, 2000.

(2) ASSISTANT REGIONAL MANAGER (SIX POSITIONS)

The Department of Fish and Game's request to allocate the above positions to the CEA category have been disapproved.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

(1) CHIEF, HUMAN RESOURCES BRANCH

The Prison Industry Authority is requesting to refill the above position.

(2) CHIEF, CORPSMEMBER DEVELOPMENT AND PROJECT SUPPORT

The California Conservation Corps is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99

(1) FISCAL AND INVESTMENT SERVICES MANAGER
GOVERNMENT RELATIONS OFFICER
The State Compensation Insurance Fund's request
to refill the above positions has been approved
effective November 13, 2000.

(2) SACRAMENTO DISTRICT MANAGER
SAN DIEGO DISTRICT OFFICE MANAGER
BUSINESS SERVICES MANAGER
OAKLAND DISTRICT OFFICE MANAGER
SAN JOSE DISTRICT OFFICE MANAGER
The State Compensation Insurance Fund's request
to refill the above positions, has been
disapproved effective November 13, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. M. BRENT EDWARDS, CASE NO. 99-4422. Appeal from constructive termination. Department of Mental Health. (Oral argument held September 6, 2000).

ACTION: On December 8, 2000, adopted Board decision granting appeal with back pay and benefits.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

2. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held September 6, 2000).

NO ACTION

3. WILLIAM SULLIVAN, CASE NO. 99-3904. Appeal from dismissal. Department of Corrections. (Oral argument held September 6, 2000).

NO ACTION

4. REGINALD SMITH, CASE NO. 00-0312. Appeal from 30-calendar day's suspension. Department of Corrections. (Oral argument held October 3, 2000).

ACTION: On December 8, 2000, adopted Board decision revoking suspension and granting back pay and benefits.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

5. DALE WATKINS, CASE NO. 99-1548. Appeal from demotion. Department of Fish and Game. (Oral argument held November 1, 2000).

ACTION: On December 8, 2000, adopted Board decision revoking demotion and granting back pay, interest and benefits.

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.

6. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and

transfer. Department of Corrections. (Oral argument held November 1, 2000).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before

the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on December 8, 2000.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins - Aye.